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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON  
AT SPOKANE

CHOICE HOTELS INTERNATIONAL,  
INC.,

Plaintiff,

v.

KUMAR & BIRLA, LLC, a Washington  
limited liability company; INDERJIT  
KUMAR, an Individual; REEMA DATT  
BIRLA, an Individual; and, DEV DUTT  
BIRLA, an Individual,

Defendants.

No. CV-11-5100-LRS

**ORDER GRANTING  
PLAINTIFF'S *EX PARTE*  
APPLICATION FOR A  
TEMPORARY RESTRAINING  
ORDER AND/OR AN ORDER TO  
SHOW CAUSE WHY A  
PRELIMINARY INJUNCTION  
SHOULD NOT BE ENTERED**

**NOTE ON MOTION CALENDAR:  
AUGUST 1, 2011**

ORDER GRANTING PLAINTIFF'S *EX PARTE*  
APPLICATION FOR A TEMPORARY RESTRAINING  
ORDER AND/OR AN ORDER TO SHOW CAUSE  
WHY A PRELIMINARY INJUNCTION SHOULD  
NOT BE ENTERED - 1

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1 GOOD CAUSE APPEARING and based upon the facts, authorities, and  
2 evidence presented in and with Plaintiff Choice Hotels International, Inc.'s  
3 Application for Temporary Restraining Order and/or an Order to Show Cause  
4 Why a Preliminary Injunction Should not be Entered, the following orders are  
5 hereby issued:  
6

7  
8 (1) A temporary restraining order pursuant to Rule 65 of the Federal  
9 Rules of Civil Procedure to restrain and enjoin defendants Kumar & Birla,  
10 LLC; Inderjit Kumar, Reema Datt Birla, and Dev Dutt Birla (collectively  
11 "Defendants") as well as each of their agents, servants, employees, attorneys,  
12 and all those in active concert with them from:  
13

14 a) displaying, advertising, marketing, promoting, stating or  
15 suggesting affiliation with, or otherwise using in commerce, or contributing to  
16 the use of in commerce, any of the ECONO LODGE family of marks, as are  
17 defined below, or using or contributing to the use in commerce any goods,  
18 products, or tangible property bearing any of the ECONO LODGE family of  
19 marks;  
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22 b) Engaging in any activity that misleads or confuses or is likely  
23 to mislead or confuse the public to the detriment of Choice Hotels, including  
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1 (without limitation) any activity that constitutes a violation of 15 U.S.C.

2 § 1125(a)(1);

3  
4 c) Engaging in any activity that could or is likely to lead anyone  
5 to believe that any product or service has been produced, distributed, offered,  
6 advertised, displayed, licensed, sponsored, approved, authorized, or otherwise  
7 used in commerce by or for Choice Hotels, when such is not true in fact; and/or ,  
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9 d) Assisting, aiding, abetting, or contributing to any other  
10 person or entity in engaging in or performing any of the activities referred to  
11 above.  
12

13 [and]

14 (2) An order to show cause hearing, scheduled for August 23, 2011 at  
15 2:30 p.m, in the above-captioned court, as to why a preliminary injunction  
16 should not be entered to preliminarily enjoin Defendants as well as each of their  
17 agents, servants, employees, attorneys, and all those in active concert with them,  
18 from:  
19  
20

21 a) displaying, advertising, marketing, promoting, stating or  
22 suggesting affiliation with, or otherwise using in commerce, or contributing to  
23 the use of in commerce, any of the ECONO LODGE family of marks, as are  
24  
25

1 defined below, or using or contributing to the use in commerce any goods,  
2 products, or tangible property bearing any of the ECONO LODGE family of  
3 marks;  
4

5 b) Engaging in any activity that misleads or confuses or is likely  
6 to mislead or confuse the public to the detriment of Choice Hotels, including  
7 (without limitation) any activity that constitutes a violation of 15 U.S.C.  
8 § 1125(a)(1);  
9

10 c) Engaging in any activity that could or is likely to lead anyone  
11 to believe that any product or service has been produced, distributed, offered,  
12 advertised, displayed, licensed, sponsored, approved, authorized, or otherwise  
13 used in commerce by or for Choice Hotels, when such is not true in fact; and/or ,  
14  
15

16 d) Assisting, aiding, abetting, or contributing to any other  
17 person or entity in engaging in or performing any of the activities referred to  
18 above.  
19

20 The “ECONO LODGE family of marks,” as the term is used herein, refers  
21 to and includes the following:  
22

23 • United States Trademark Registration No. 813,642 (hereinafter,  
24 “the ‘642 registration”) for the mark ECONO LODGE;  
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1           •       United States Trademark Registration No. 1,799,814 (hereinafter,  
2 “the ‘814 Registration”) for the mark ECONO LODGE + Design;

3  
4           •       United States Trademark Registration No. 2,178,518 (hereinafter,  
5 “the ‘518 Registration”) for the mark ECONO LODGE;

6           •       United States Trademark Registration No. 2,878,530 (hereinafter,  
7 “the ‘530 Registration”) for the mark ECONO LODGE INN & SUITES;

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9           •       United States Trademark Registration No. 3,489,688 (hereinafter,  
10 “the ‘688 Registration”) for the mark E ECONO LODGE + Design;

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12           •       United States Trademark Registration No. 3,522,065 (hereinafter,  
13 “the ‘065 Registration”) for the mark E ECONO LODGE + Design;

14           •       United States Trademark Registration No. 3,522,067 (hereinafter,  
15 “the ‘067 Registration”) for the mark E ECONO LODGE INN & SUITES +  
16 Design; and,

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18           •       United States Trademark Registration No. 3,522,199 (hereinafter,  
19 “the ‘199 Registration”) for the mark E ECONO LODGE INN & SUITES +  
20 Design.  
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1 IT IS SO ORDERED.

2 DATED this 8th day of August, 2011.

3  
4 *s/Lonny R. Suko*

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6 \_\_\_\_\_  
7 Judge, U.S. District Court for the  
8 Eastern District of Washington

9 Presented by:

10 GORDON & REES LLP

11  
12 */s/ Ryan G. Foltz*

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14 Ryan G. Foltz, WSBA No. 30696  
15 Attorneys for Plaintiffs

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